

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GUILLERMO ALEJANDRO ZARAGOZA,
EDUARDO ZARAGOZA, and
MARTIN ESTRADA ZARAGOZA,

Defendants.

Case No. 08-cr-00083-PJH-1, -2, -5

**ORDER DENYING APPLICATION FOR
AN ORDER OF FORFEITURE**

Re: Dkt. No. 1104

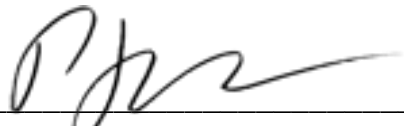
The government has filed an application for an order of forfeiture to include entry of a money judgment against defendants Guillermo Alejandro Zaragoza, Eduardo Zaragoza and Martin Estrada Zaragoza in the amount of \$600,000, joint and several. Because the order of forfeiture in the form of a money judgment was not included in the judgment as to any of the above-named defendants, as required by Federal Rule of Criminal Procedure 32.2(b)(4), the government's application is DENIED WITHOUT PREJUDICE. The government may renew its application for an order of forfeiture subject to the following conditions: (1) establishing a basis to correct the judgment as to each defendant; (2) demonstrating that the court included the forfeiture when orally announcing the sentence, or otherwise ensured that each defendant knew of the forfeiture at sentencing, as required by Rule 32.2(b)(4)(B); and (3) establishing that there is no undue delay in seeking the proposed order of forfeiture.

If the government elects to renew its application for an order of forfeiture, it must serve the application on the attorneys who represented defendants at the time of

1 sentencing, including appointed counsel. Counsel for each defendant may file an
2 opposition or otherwise respond within 14 days of the government's filing of its renewed
3 application for an order of forfeiture. No reply briefs may be filed, and the matter will be
4 submitted on the papers.

5 **IT IS SO ORDERED.**

6 Dated: March 28, 2017

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9 PHYLLIS J. HAMILTON
10 United States District Judge
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